

**AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT**

I, Richard Johnson, a Task Force Officer (TFO) with the Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

INTRODUCTION

I am a certified law enforcement officer being duly certified in 1999 by the State of Mississippi and have worked in law enforcement for fifteen (15) years. During these fifteen (15) years I have investigated, among other violations, public integrity violations and cyber crime based offenses. I obtained a Bachelor of Science in Criminal Justice Degree in May of 1999 from Delta State University. Throughout my law enforcement career, I have received specialized training and have received numerous training certificates pertaining to law enforcement. For the past five (5) years I have been employed with the Mississippi Attorney General's Office as an Internet Crimes Against Children (ICAC) Investigator. I have been involved in investigating "cybertips" which are reports of distribution, possession, or transportation of images of child pornography reported by private citizens or corporations, which are distributed by the National Center for Missing and Exploited Children (NCMEC) to law enforcement agencies including the FBI and ICAC task forces. I have also been involved in investigating Peer to Peer cases as well as online chat cases involving child exploitation. I have received introductory training in cyber crimes and computer forensics. I have also received

training in investigative techniques and undercover chat for internet crimes against children. I am currently assigned to the Federal Bureau of Investigation Child Exploitation Task Force.

I have been assigned as a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) since December 1, 2013, and am currently assigned to the Jackson Division of the FBI. While employed by the FBI, I have investigated federal criminal violations related to child exploitation and child pornography. I have gained experience through training opportunities and everyday work related to conducting these types of investigations.

As a task force officer, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States, as well as seeking arrest warrants for Federal violations of law. I am investigating the activities JAMES MATTHEW SPENCER, who resides at the residence physically marked as _____ Drive, Horn Lake, Mississippi 38637. As described below, there is probable cause to believe that JAMES MATTHEW SPENCER has possessed and transported images of child pornography, in violation of Title 18 U.S.C. §§ 2252(a)(1), 2252(a)(4)(B), 2252A(a)(1) and 2252A(a)(5)(B); and I submit this application and affidavit in support of a criminal complaint seeking the arrest of MATTHEW SPENCER for possession and transportation of child pornography.

PROBABLE CAUSE

In May 2013, a Google user with the email address mspenc94@gmail.com posted 21 images depicting child pornography to the web address <https://picasaweb.google.com/113712157491464608979/20130509>. Google submitted a

cybertip report to the National Center for Missing and Exploited Children (NCMEC) reporting these 21 images. The metadata associated with the images indicate that they appear to have been taken with an LGL35G smartphone. Google records reflected that the account has been accessed with an LGL35G smartphone, MEID 01334100569291. In the course of the investigation, I viewed the images referenced above. One of the images depicts a small prepubescent female child holding an adult male's penis with her right hand and her mouth open as the adult male ejaculates into the child's mouth. A second image depicts a prepubescent female child lying on her back with an adult male lifting the back of her head with his left hand. He holds his penis with his right hand as he ejaculates on the child's mouth. A third image depicts a small prepubescent female child lying on her back with a towel under her. An adult male's penis is against the child's vagina showing ejaculation on the small child's stomach, belly button, and around the child's vagina. In my training and experience of child sexual abuse images, these images constitute child pornography.

On June 18, 2013, an administrative subpoena was issued to Google on the email address mspenc94@gmail.com and the URL: <https://picasaweb.google.com/113712157491464608979/20130509>. On August 28, 2013 Google advised that the e-mail account information showed that the account was in the name: Matthew Spencer with an alternate e-mail account of mspenc94@gmail.com. Further information indicated the account was created on: 2013/02/14 – 01:04:56 – UTC from IP number: 69.171.160.219.

The IP Address 172.14.61.32 was listed in the Google IP history, indicating that it was used to access the mspence94@gmail.com e-mail account on 05/18/2013, 05/08/2013, 05/02/2013, 05/01/2013, and 04/25/2013. On 11/26/2013, an administrative subpoena was issued to AT&T Internet Services for IP address 172.14.61.32 on 2013/05/18 – 20:06:36 – UTC and 2013/05/27 – 16:54:27 – UTC. AT&T Internet Services responded the same day with the following account information. The IP address was assigned to AT&T Internet user: SPENCERCLAN2012@ATT.NET. The account was registered in the name of an active account user, Shannon Campbell, with an address of _____ Drive, Horn Lake, Ms. 38637.

A National Comprehensive Report search was conducted for James Matthew Spencer from Horn Lake, Mississippi with the following results:

Name: James Matthew Spencer
DOB: /1975
SSN: .8054
Address: Drive, Horn Lake, Ms. 38637

Surveillance was conducted on the residence at _____ Drive, Horn Lake, on July 30 and 31, 2014. A Buick Regal, Tag: DEZ 386 was observed in front of _____ Drive, Horn Lake, Mississippi. The vehicle did not move for two days but public records of the State of Mississippi indicate that the vehicle is registered to James Matthew Spencer with an address _____ Drive, Horn Lake, Mississippi.

Surveillance on August 25, 2014 also revealed the same vehicle, a Buick Regal, Tag: DEZ 386 registered to James Matthew Spencer of _____ Drive, Horn Lake, Mississippi was parked in front of the residence. Two white males were observed in the yard. Both

individuals appeared to be bald and are believed to be William B. Spencer and James Matthew Spencer. The two individuals entered the residence and returned to the yard on two different occasions.

On August 26, 2014, the Mississippi Department of Corrections (MDOC) was contacted and it was learned that James Matthew Spencer is on probation for writing bad checks and his primary residence listed with MDOC is _____ Drive, Horn Lake, Mississippi.

On December 2, 2014 a Federal search warrant was issued for Spencer's residence and officers executed the warrant on December 3, 2014. During the execution of the search warrant Spencer admitted possessing images of child pornography and also admitted storing images of adult and child pornography on an Internet web-site photo site named "Photobucket." Spencer gave permission to the agents to access his "Photobucket" site. Officers observed images of child pornography on the web-site in Spencer's "Photobucket" account.

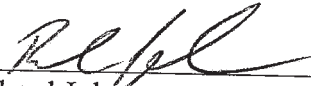
On December 9, 2014, Spencer was interviewed again by officers. In this interview Spencer admitted viewing and saving images of child pornography in his Photobucket account and also admitted to molesting two minor children: a one-year old minor female over 13 years ago and a one-year old minor male approximately two and one-half years ago. Spencer denied making any photographic images of the molestation.

CONCLUSION

Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that the crimes stated in 18 U.S.C. §§ 2252(a)(1), 2252(a)(4)(B),

2252A(a)(1), and 2252A(a)(5)(B) have been committed by James Matthew Spencer and respectfully request that an arrest warrant charging JAMES MATTHEW SPENCER issue for possession of images of child pornography.

Respectfully submitted,



Richard Johnson
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me
on December 10, 2014:



UNITED STATES MAGISTRATE JUDGE